

Remarks

Claims 6, 17, 19-20, and 102-111 have been canceled without prejudice or disclaimer. Claims 44, 66, and 78-83 have been amended as discussed with the Examiner. More particularly, claims 44 and 66 have been amended to recite "wherein said polypeptide is chemotactic for leukocytes," claim 78 has been amended to replace the term "comprising" with the phrase "consisting of a fragment....," and dependent claims 79-83 have been amended in accordance with the amendment to claim 78. No new matter has been added.

In the telephone conference of November 17, 2004, the Examiner indicated that the claims would be allowable with the instant amendments upon the submission of an appropriate statement regarding the public availability of the ATCC deposit. While Applicants maintain that the previously pending claims were also allowable, the claims have been amended as discussed with the Examiner. Applicants reserve the right to pursue the canceled subject matter in continuing applications. Applicants also provide the requested statement regarding the ATCC Deposit below. Accordingly, Applicants believe that the application is in condition for allowance.

Statement Regarding the ATCC Deposit

Applicants' representative hereby gives the following assurance by signature below:

Human Genome Sciences, Inc., the assignee of the present application, has deposited biological material under the terms of the Budapest Treaty on the International Recognition of the Deposit of Micro-organisms for the Purposes of Patent Procedure with the following International Depository Authority: American Type Culture Collection (ATCC), 10801 University Boulevard, Manassas, Virginia 20110-2209 (present address). The deposit was made on February 25, 1998, accepted by the ATCC, and given ATCC Accession Number 209643. In accordance with M.P.E.P. § 2410.01 and 37 C.F.R. § 1.808, assurance is hereby given that all restrictions on the availability to the public of ATCC Accession Number 209643 will be irrevocably removed upon the grant of a patent based on the instant application, except as permitted under 37 C.F.R. § 1.808(b). A partially redacted copy of the ATCC Deposit Receipt for Accession Number 209643 is enclosed herewith.

**Conclusion**

In view of the foregoing, Applicants believe that this application is now in condition for allowance. The Examiner is invited to call the undersigned at the phone number provided below if any further action by applicant would expedite the allowance of this application.

Finally, if there are any fees due in connection with the filing of this paper, please charge the fees to our Deposit Account No. 08-3425. If a fee is required for an extension of time under 37 C.F.R. § 1.136, such an extension is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted,

  
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